

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for a three-month extension is attached hereto.

1. In accordance with the Examiner's remarks, the ABSTRACT has been amended so as to include less than 150 words. Reconsideration is respectfully requested.

2. Please hold in abeyance the request for formal drawings until the application has been fully examined and is allowed for issuance.

3. The recitation of 35 U.S.C. 102 (b) is noted and the rejection of claims 15-16 under Brady.

Claims 15-16 have been amended to include the limitations of now canceled claims 2 and 3 and to also include the limitations of claims 4 and 5. Discussion of the instant amendments to claim 1 and also to claim 15 are described in greater detail below, under item number "4" of the Office Action. Please consider the following remarks under Office Action "4" prior to a consideration of the merits of instant claim 15 and dependent claim 16.

Accordingly, after such consideration has been accomplished the rejection of claims 15 and 16 is believed to be overcome (under 35 U.S.C. 102 (a) and also under 35 U.S.C. 103 (a)) and reconsideration is requested of claims 15 and dependent claim 16 in accordance with the amendments that have been made and the remarks that follow.

4. The recitation of 35 U.S.C. 103 ~~-(a)-~~is noted.

5. Claims 1-14 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Brady.

Claim 1 has been amended to include the limitations of now canceled claims 2 and 3 wherein a file in a data base can be accessed by an owner of a luggage and wherein the data in the file can be changed by the owner.

Brady neither teaches nor suggests such capabilities and, in fact, clearly teaches away from such capabilities.

Brady teaches only the printing of destination information directly on the label (column 16, lines 5-10) or, alternatively when an RFID tag is embedded within a smart label, the smart label may contain destination information (column 16, lines 27-30).

The smart labels of Brady therefore must contain the routing or destination information. Accordingly, it is impossible for an owner of the luggage to change the routing or destination information and it is certainly impossible to do so while the luggage is in transit.

There is no teaching or suggestion by Brady that a data base be included. The Examiner suggests that a data base is "implied". Brady teaches only the acquisition of the data contained in the smart label which can be used for routing. While this data may be retained for a very short period of time and be used for the routing the luggage (as shown in FIG. 18a) clearly Brady fails to anticipate any type of data base that can also be accessed by an owner of the luggage, as claimed.

Brady teaches the construction of an RFID tag having a thickness of less than 280 microns for embedding into various items. The teachings of Brady are wholly applicable for inclusion into the instant invention, but they fail to anticipate the instant invention, as claimed.

Brady shows no recognition of the problems encountered with lost luggage, changing itineraries of the owner, and

attempts to reunite a lost article of luggage with a traveling owner. Successfully reuniting lost articles of luggage are but one benefit that is provided by the instant invention, and the application of this particular benefit is discussed in greater detail hereinafter. This is a serious problem in the airline industry. Currently, tens of thousands of articles of luggage are lost annually by the airlines that are never again reunited with ~~the~~ owner.

Consider that if the owner stays at a destination for only a few hours and then uses another (i.e., a different airline) to travel to a second destination, there is no way for the first airline, for example, to route a lost article of luggage to the second destination while the owner is disposed at the second destination. The first airline would have no knowledge where the owner was even staying (initially) and certainly no knowledge concerning the second destination. The only possible way the first airline might know where the owner was staying initially would be if the owner had put the initial address on the label that was attached to the luggage. This in itself is rare because the owner would not be inclined to put such a temporary address on the luggage but would rather include his home address on the label. This would preclude the first airline from any possibility of even conveying the lost article of luggage to

the first destination, thereby inconveniencing the owner and causing the first airline considerable expense (reimbursing the owner for the loss and providing toiletries, etceteras for his use).

What if the owner's itinerary were to substantially change while the owner was on route after he had reached his first destination? There is no way for the invention of Brady to know that and reunite a lost article of luggage having Brady's smart label attached thereto with the owner's new travel plans.

However, according the instant invention, as claimed, the owner can access the data base and change certain of the information in the fields, such as updating the data base to reflect his newly changed itinerary. Now it doesn't matter how fluid his travel plans may be or what airline or mode of transport he uses to reach his second destination. The first airline is provided with a mechanism for reuniting a lost article of luggage with the owner at any changing destination because the first airline becomes an authorized user who can access (but not change) the information contained in the data base. The first airline is then able to correlate the travel location of the owner with the date (i.e., when he will be at any particular location) and

convey the luggage to him while he is at the new (i.e., second) location.

Such capability is impossible for Brady. If Brady had even remotely anticipated the problem of lost luggage (and he did not for he was solving an entirely different problem; thin film RFID tags), then Brady would have been required to disclose same as the best mode possible for bringing forth his invention. The absence of such disclosure is proof that Brady failed to anticipate such problems or any possible solutions for these types of problems.

Therefore, one skilled in the art of reuniting lost luggage would find it of no avail to rely upon Brady to solve the problem at hand. As the problem being solved is always relevant, a person trying to solve the problem of lost luggage would not be drawn to Brady.

The instant invention, as claimed, provides especially significant and surprising benefits not anticipated by the prior art. Reuniting lost articles of luggage with the owner is certainly one such benefit. Providing a file of owner preferences is another.

For example, the file in the data base could contain passenger preferences such as window or aisle seating, menu limitations or preferences, or other types of preferences. Upon check-in, the airline can obtain the unique identification number for the article of luggage, access the pertinent file in the data base and view information in the file such as the preferences just mentioned. If the person prefers a window seat for example, the airline does not have to query the passenger but can assign one automatically if any are available based on the preferences in the file. If the preference includes a particular location in the airplane, for example the front, this too can be taken into account. This saves time and makes the passenger feel optimally well served. Accordingly, the level of service provided by an airline using this data base is superior to any who may fail to do so.

The file could also include the owner's home address and nearly an infinite amount of information that relates to the owner of the luggage, such as additional preferences, whether a rental car will be needed this particular time, or any other information. The airline or travel agent (who might also be an authorized user) can again access this information and provide optimum service arranging for automobile rentals or lodging.

The file can also include hotel information as to where the person will be staying and the times at each location (i.e., either hotel or location for meetings, etc.) as was described hereinabove and throughout the application as filed.

The owner can access the file over the Internet and update any of the "user fields" of information. No other authorized user can change any of the user fields.

It is possible to include space in the file whereby an authorized user can upload information specific to the services that they provide. Again, the authorized user would not be allowed to change any of the fields of information in the file that are owner (i.e., user) fields, such as home address, preferences, etc.

For example, an airline could upload information that includes the current flight number, subsequent flight numbers, or changes to the flights (i.e., when flights are canceled, for example). This information could then be "uploaded" to the file in the data base whereby other authorized users or the owner himself could view the newly uploaded fields of information, as desired.

The automobile rental company, hotel, or any other authorized user could also be allocated space for uploading information to the file, for example a confirmation number for a hotel, check-in and departure dates, rental car information, etc.

Again, it is important to note that no authorized user would be granted access to change any of the user information fields. Only the owner of the luggage is permitted to do so.

As described in the specification, the data base can be located anywhere desired and run by any organization, as desired. The device of Brady includes, at best, a short-lived record useful only to route the luggage via conveyors (Fig. 18a) to a particular airplane of the airline. This information can only be created by the airline, and to be useful it must be kept on premises (at the airline) until the luggage and person are on the same plane. At such time, the information associated with any luggage identification number of the device of Brady becomes obsolete and can only be recreated by another airline at the time of another check-in. All the benefits mentioned herein are impossible

for the device of Brady, given even the broadest interpretations possible.

Brady again fails to anticipate, disclose, teach, or suggest any of these features or benefits. Such capabilities are not even remotely anticipated by Brady. Again, this is why the device of Brady can possibly be incorporated for use within the instant invention but whereas the device of Brady fails to anticipate the invention, as claimed.

Furthermore, the use of a data base which contains a file of information pertinent to the owner and which can be accessed by authorized users also provides opportunities to contact the owner in the event of an emergency. Brady fails to teach or suggest this as well.

A data base that includes a file that can be accessed by an owner of an article of luggage and wherein the owner is able to change any of the data that is contained in the file, as claim 1 recites, is an element absent Brady and would also be absent any applied combination of Brady. Claim 1 includes this as an element thereof and is believed to be patentably distinct over the cited prior art reference.

Accordingly, the rejection is believed to be overcome and reconsideration of the rejections under 35 U.S.C. 103 as applied to remaining claims 1 and 4-14 is respectfully requested.

Furthermore, base claim 15 has been amended to include the limitations of instant claim 1 and also to further include the limitations of claims 4 and 5 whereby an authorized user is permitted to access the file but not change it, the changing being reserved only for the owner. Certainly, Brady fails to teach or suggest this type of an architecture or the benefits so derived.

Accordingly, the rejection of claims 15 and 16 is believed to be overcome and reconsideration of the rejections under 35 U.S.C. 102 and also any possible rejection under 35 U.S.C. 103 as applied thereto is also believed to be overcome. Reconsideration is respectfully requested.

Brady once again teaches away from the instant invention (either claim 1 or 15) in that the owner does not and indeed cannot change the data that is associated with his label. The data relating to Brady's label is either not changed or, given the broadest interpretation possible, is

changed only by the airline for routing. It cannot be changed by the owner, as is presently recited by the instant claims. Accordingly, Brady teaches the exact opposite of the claimed invention.

Arguendo, if the use of any data base were to even remotely be anticipated, as was suggested by the Examiner as being implied, certainly a data base as claimed whereby the owner can affect the data in the data base cannot be anticipated without the application of a substantial amount of hindsight by the Examiner after having first benefited from the instant disclosure.

Claim 14 has been amended to recite "authorized" as the type of user to remove any possible ambiguity and to provide positive antecedent basis thereto.

Support for the instant amendments is found in the canceled claims 2 and 3, the remaining claims, and throughout the specification, as originally filed.

6. The prior art made of record and not relied upon that is considered pertinent to the applicant's disclosure has been reviewed by the undersigned, but is deemed no more relevant than the applied references.

As all remaining claims 1 and 4-16 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest possible time.

7. The applicant appreciates the opportunity to communicate by telephone with the Examiner ~~if necessary~~.

Please direct all future correspondence to the new correspondence address shown below.

Respectfully submitted,

 4-11-02

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